

LAKE DISTRICT NATIONAL PARK AUTHORITY

DEVELOPMENT CONTROL COMMITTEE – WEDNESDAY 2 DECEMBER 2015

REPORT BY THE HEAD OF DEVELOPMENT MANAGEMENT

PLANNING APPLICATIONS

COPELAND DISTRICT (WHITE SHEETS)

Application no: 7/2015/4062
Applicant: Mr B Harrison
Date of Application: 9 June 2015
Type of Application: Outline

Location: Builders Yard, Chapel Lane, Bootle, Millom, Cumbria, LA19 5UE
Grid Reference: 310748 488213 See Plan
Proposal: Construction of single storey detached bungalow on vacant former builders yard

District Council: No Objections
Parish Council: Objection
Highway Authority: Approve with conditions

RECOMMENDATION:	APPROVE with conditions
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REPORT:

1 SITE AND PROPOSAL

- 1.1 I am reporting this application to Committee as my recommendation is contrary to the views of Bootle Parish Council.
- 1.2 The application site is located on Chapel Lane, Bootle. It lies on a corner plot with Chapel Lane to the south, the grade II listed buildings of Captain Shaw's school to the north east and an access to the school and garages to the north west. The site is bounded by a stone wall to its south and north west sides and the school buildings to the north east side.
- 1.3 The site contains four storage buildings and the applicant has advised that the use of the site as a builder's yard ceased approximately 25 years ago.
- 1.4 This application is for outline permission for the construction of a single storey detached bungalow with all matters reserved. The applicant has provided an indicative layout plan.

2 CONSULTATION RESPONSES

- 2.1 Bootle Parish Council has objected to the scheme on the following grounds:
 - The proposal is not in line with their objectives to support the sustainability of the community.
 - It will affect the sustainability of the school and could lead to its closure.
 - The development of a modern bungalow so close to the school would affect the visual context of the village centre around the school building which dates from 1838 and the potential life of the school.

- Recognise that there is a conflict between the aspirations of the council to increase the population of Bootle to help with its sustainability and the plans by Captain Shaw's school to make use of the site to increase the variety of facilities available to the school.
 - Evidence should be produced to demonstrate that there is no commercial use possible for the site.
 - There are inaccuracies within the application document regarding which should invalidate the application
- 2.2 The Local Highway Authority have no objections subject to details of the layout of the site and the means of access and parking within the site being agreed at the reserved matters stage.
- 2.3 Environmental Health at Copeland Borough Council have no objections. They have no records that the site is contaminated but considering the previous use as a workshop/depot/builder's yard there is the risk of historic contamination and have recommended a condition regarding land contamination.

3 REPRESENTATIONS

- 3.1 Five letters of objection, from three people, have been received on some or all of the following grounds:
- Application should be deferred until there has been a firm decision on the extension of the school. This is the only area of the land on which any expansion could be located.
 - Application details are incorrect. The site is contaminated and the site area incorrect.
 - The site plan shows the track alongside the site as 'Access to Garages'. It is the sole access to the school for pupils, the main gates onto Main Street having been closed on Police advice for road safety reasons.
 - Applicant does not appear to have followed prescribed procedures, such as marketing for two years, for loss of employment site.
 - Would compromise the future of the school.
 - The community vision for Bootle within Bootle2020 has allocated this site as Harrison's Yard Community Allotment.
 - The school and community have liaised with the land owner over the past twelve months with a view of purchasing the land.
 - It would lead to increased highway access danger.

4 COMMUNITY PLANS

- 4.1 Bootle Parish Council have produced a community plan entitled Bootle2020 which outlines the vision for Bootle Parish. This plan has proposed a community allotment on the application site.
- 4.2 Community Action Plan for Bootle Parish 2009 – The plan has actions to upgrade the standard of housing and attract more families to support local services, including the school.

5 POLICY

5.1 The relevant Lake District National Park Core Strategy (Local Plan Part One) policies are:

- Policy CS02 (Achieving vibrant and sustainable settlements)
- Policy CS06 (West Distinctive Area)
- Policy CS10 (Achieving design excellence)
- Policy CS11 (Sustainable development principles)
- Policy CS16 (Generating renewable and low carbon energy)
- Policy CS18 (Housing provision)
- Policy CS22 (Employment)
- Policy CS27 (The acclaimed historic environment)

5.2 The provisions of the National Planning Policy Framework (NPPF) are a material consideration in the determination of the application.

6 ASSESSMENT

The main issues in this case are:

- Loss of the former employment site
- Principle of housing
- Housing need
- Community aspirations for the site
- Impact on the setting of the listed building and character of the area
- Residential amenity
- Contamination
- Access and parking

Is the loss of the former employment site acceptable?

- 6.1 Core Strategy Policy CS22 states that employment land and buildings (B1, B2 and B8 uses) will be retained for employment use unless it can be demonstrated that they are unsuitable for employment purposes or, exceptionally, viable alternatives are readily available in the locality.
- 6.2 Concerns have been raised that the applicant has not provided sufficient information to demonstrate that the site is no longer needed for employment purposes.
- 6.3 The applicant has advised that the use of the site as builder's yard ceased approximately 25 years ago and since then it has been used as a garage for the applicant's cars. We do not have clear evidence of the lawful use of the site. This is confirmed in the community plan for the site titled, 'Harrison's Yard Community Allotment' which states that the site has been derelict for over 25 years.
- 6.4 The applicant also states that site would be unacceptable for employment purposes as it would generate unwelcome noise and disruption to an established residential area and adjacent school, which could take place not only during normal working hours but at evenings and weekends.

- 6.5 In 2014 outline planning permission was granted for a 'mixed use development incorporating a residential development, business incubator units and a new hotel with associated access and parking facilities' at the Wellbank site (7/2013/4004). This site is approximately 1 km from the application site and the development includes six new B1 business units.
- 6.6 Due to the location of the site adjacent to the school and residential properties, I do not consider that the site is ideally suited for employment purposes and that its loss warrants refusal of planning permission in this instance.

Is the principle of housing development in this location acceptable?

- 6.7 Policy CS02 of the Core Strategy identifies Bootle as a Rural Service Centre, being a location where we aim to direct most new development close to where people live and work. This policy indicates that we will meet the housing need through the allocation of development sites, individual development opportunities, and the use of exception sites.
- 6.8 Policy CS03 considers settlement form. It states that all development in Rural Service Centres should be within or relate well to the form of the settlement, to existing buildings, and to utility and community infrastructure and protect, maintain or enhance the local distinctiveness, character and landscape setting of the settlement.
- 6.9 The site is situated within the centre of Bootle, a named Rural Service Centre, and in my opinion represents the opportunity to develop an unused site into a local need dwelling, which would be well related to the existing settlement. In terms of location I am satisfied that it would comply with Policies CS02 and CS03.

Is there an identified need for housing?

- 6.10 Policy CS18 of the Core Strategy states that we will permit new dwellings where they contribute towards meeting an identified local need or local affordable need. Our Supplementary Planning Document on Housing sets out the mechanisms for delivering local need housing. It requires that a proposal for local need housing should only be made once the local need has been established and the proposals reflect this in terms of numbers, size and type. The SPD also requires evidence to establish an identified local need, by either Strategic Housing Market Assessments (SHMA), Parish housing needs survey or other local surveys.
- 6.11 There is an overwhelming need for affordable and local need housing across the Lake District National Park and this is stated in our Housing SPD. The Copeland Strategic Housing Market Assessment 2014 update indicates that there are a total of 113 households in need in the West Lakes (National Park) area. It identifies there being a shortfall for smaller one bedroom properties and bungalows within the West of the National Park, and indicates that housing should be developed to ensure that new development remains appropriate to market demand.

- 6.12 The Bootle Housing Needs Survey of 2008 identifies a need for 13 affordable houses and a general need for 21 houses (those who did not meet the definition of affordable need but still required housing).
- 6.13 I am aware that in 2014 we granted outline planning permission at Wellbank, Bootle for a mixed use development which included 33 local need dwellings. This is a greater number of local need dwellings than that identified in the Bootle Housing Need Survey. However we know there is a need across the National Park, and as the Copeland SHMA demonstrates in the wider locality in the West Distinctive Area.
- 6.14 Bootle Parish Council have acknowledged that there is a tension between the aspirations of the council to increase the population of Bootle and the community aspirations for the site. The Bootle2020 Community Plan seeks to increase the population of Bootle and build 60 new homes.
- 6.15 I am satisfied that the proposal is in line with Policy CS18 and the requirements of the Housing SPD and would go a small way to meeting the housing need of the locality subject to a suitable condition.

Are the community aspirations for the site as set out in the Bootle2020 Community Plan sufficient to refuse this application?

- 6.16 Bootle Parish Council and the representations from local residents have raised concerns over the loss of this site for a potential community use or for the expansion of the school. They state that the proposal is not in line with their objectives to support the sustainability of the community and will affect the sustainability of the school and could lead to its closure.
- 6.17 Bootle Parish Council have produced a community plan entitled Bootle2020 which outlines the vision for Bootle Parish. This plan has proposed a community allotment on the application site. We have been advised that the school and community have liaised with the land owner over the past twelve months with a view to purchasing the land.
- 6.18 The Parish of Bootle was designated as a neighbourhood area for the purposes of drafting a neighbourhood plan in June 2014. The community plan Bootle2020 outlines the visions for the Parish, and is a material consideration. The Parish have not reached an appropriate stage in terms of producing a neighbourhood plan to give significant weight for the Parish's intended use for the site.
- 6.19 I am supportive of the aspirations of Bootle Parish Council to improve the facilities available for the community within the village. However, an application has been submitted for a development which is acceptable in principle it would not be reasonable to withhold permission on the grounds of a vision for the community and an aspiration for this site.

Would the siting of a dwelling on the plot have a detrimental impact on the setting of the grade II listed school buildings and the character of the area?

- 6.20 The existing buildings within the application site are adjacent to the Captain Shaw's school which are Grade II listed buildings. As this application is for outline permission with all matters reserved, details of the design, layout and orientation would be dealt with at the Reserved Matters stage.
- 6.21 Consent is sought for a single storey building and an indicative layout plan has been submitted which shows the building located away from Captain Shaw's school. The proposed development would result in the removal of the dilapidated garages from the site and I consider that this would enhance the setting of the listed buildings, and that the use of the site for one dwelling, subject to the detailed design and layout, would not be harmful to the setting of the listed buildings or the character of the area.

Would the development cause harm to the amenity of neighbouring occupiers?

- 6.22 Whilst an indicative layout plan has been submitted, this is an outline application with the details of the design, orientation and screening to be dealt with at the Reserved Matters stage. As the proposal is for a single storey dwelling, I do not consider that a building of this scale would lead to a detrimental impact on the amenity of the neighbouring properties, which are also single storey.

Is the site unacceptable due to contamination issues?

- 6.23 Concern has been raised over possible contamination on the site. Environmental Health at Copeland Borough Council have stated that there are no records indicating that the site is contaminated. However, they have recommended that a contaminated land condition be imposed due to the previous use of the land where there is the risk of historic contamination and the proposed use of the land as residential.
- 6.24 With regards to the objections raised that the site contains asbestos, Copeland Borough Council have confirmed that they have investigated the site and that there is asbestos within the old buildings but did not take any formal action.

Is the means of access to the site satisfactory and is there adequate parking within the site?

- 6.25 Representations have been received that the access to the site is unacceptable. The local highway authority have been consulted and raise no objections to the proposed development subject to the submission of details relating to the layout of the site, and the means of access and parking within the site. These details would be required to be submitted at the reserved matters stage.

Other considerations

- 6.26 Concerns have also been raised with regards to the validity of the application. The objections state that the application form is incorrect as it states that there is no contamination on the site and that the site area 262 square

metres, when they understand that there is contamination on the site and that the site area is greater than that. Details with regards to contamination have been discussed above and with regards to the site area, I have measured the area which is 364 square metres. I consider that the size of the site is acceptable for one dwelling and I do not consider that the error in the site area on the form would invalidate the application.

7 CONCLUSION

- 7.1 This scheme represents a small infill development and an opportunity for securing the provision of a house for local occupancy within Bootle. It is well related to the village of Bootle, has limited impact on neighbouring amenity, on the character of the area, or the setting of the neighbouring listed buildings. Whilst the community have aspirations for the site which are detailed within the Bootle2020 community plan, this is not of sufficient weight to outweigh development plan policy in favour of the proposal.
- 7.2 Having regard to the provisions of the Development Plan, in particular Lake District National Park Core Strategy (Local Plan Part One) policies CS02, CS10, CS11, CS16, CS18, CS22 and CS27, and other material considerations (including the provisions of the NPPF), the application is therefore recommended for approval subject to the conditions below:

Committee is recommended to:

APPROVE with conditions

- 1 Details of the appearance, landscaping, layout, and scale of development, and the means of access thereto (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 2 Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be carried out otherwise than in complete conformity with the following submitted plan:

- Site Location Plan (ref.310747 488211) received by the Local Planning Authority on 9 June 2015.

For the avoidance of doubt the indicative site layout plan and elevation drawings received by the Local Planning Authority on 2 March 2015 do not form part of the approved drawings.

REASON: For the avoidance of doubt and to ensure a satisfactory area for the development.

- 3 The dwellinghouse(s) hereby permitted shall not be occupied otherwise than by a Person with a Local Connection as his or her Only or Principal Home, or the widow or widower of such a person, and any dependents of such a person living with him or her.

The Occupant will supply to the Local Planning Authority (within 14 days of the Local Planning Authority's written request so to do) such information as the Authority may reasonably require in order to determine whether this condition is being observed.

In this condition the following definitions apply:

'Person with a Local Connection' means an individual who before taking up occupation of the dwelling satisfies one of the following conditions:

- (1) The person has been in continuous employment in the Locality defined for at least the last nine months and for a minimum of 16 hours per week immediately prior to occupation; or
- (2) The person needs to live in the Locality defined because they need substantial care from a relative who lives in the Locality defined, or because they need to provide substantial care to a relative who lives in the Locality defined. Substantial care means that identified as required by a medical doctor or relevant statutory support agency; or
- (3) The person has been continuously resident in the locality defined for three years immediately prior to:
 - a) Needing another dwelling resulting from changes to their household, including circumstances such as getting married, divorced, having children, or downsizing.
 - b) Undertaking full-time post-secondary education or skills training and is returning to the locality defined within 12 months of its completion, or
 - c) being admitted to hospital, residential care or sentenced to prison, and are returning to the locality defined within 12 months of their discharge/release, or
- (4) The person is a person who –
 - a) Is serving in the regular forces or who has served in the regular forces within five years prior to occupation;
 - b) Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where -
 - i. The spouse or civil partner has served in the regular forces; and
 - ii. Their death was attributable (wholly or partly) to that service; or
 - c) Is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service

'Locality' shall mean the administrative areas of the Parishes of Bootle; Irton with Santon; Muncaster; Ulpha; Waberthwaite; Wasdale; Whicham; and those parts of the Parishes of Ennerdale and Kinniside; Eskdale, Drigg and Carleton; Gosforth; Lamplugh; Millom Without; and Ponsonby which are situated within the Lake District National Park.

An 'Only or Principal Home' is a dwellinghouse which is occupied continuously for a minimum period of six months in every twelve month period. For the avoidance of doubt the dwelling shall not be occupied as a second home or for holiday letting accommodation.

The obligations contained in this condition shall not be binding or enforceable against any mortgagee or any receiver appointed by such a mortgagee, or any person deriving title through such a mortgagee or receiver provided always that a successor in title of such a person will be bound by the obligations contained in this condition.

REASON: To ensure that the resulting accommodation is occupied by persons with a defined local need in order to comply with Lake District National Park Core Strategy (Local Plan Part One) Policy CS18 and the accompanying Housing Provisions: Supplementary Planning Document. The provisions relating to armed forces personnel are in accordance with the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012.

- 4 Unless otherwise agreed in writing by the Local Planning Authority at least 10 per cent of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority prior to the use hereby permitted commencing or the occupation of the building the subject of this permission. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of increasing the proportion of energy generated through renewable and low carbon sources in accordance with Policy CS16 of the Lake District National Park Local Development Framework.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no material external alterations or extensions shall be carried out to the dwellinghouse, nor shall any building, enclosure, structure, domestic fuel oil container, pool or hardstanding be constructed within the curtilage of the dwellinghouse, without application to, and the grant of permission by, the Local Planning Authority.

REASON: The Local Planning Authority considers that such development should be subject to formal control to safeguard the amenities of the area.

- 6 No development shall commence until a desktop land contamination study has been submitted to and approved by the Local Planning Authority. Should the

preliminary risk assessment identify any potential contamination which may affect human health, controlled waters or the wider environment, all necessary site investigation works within the site boundary must be carried out to establish the degree and nature of contamination and its potential to pollute the environment or cause harm to human health. The scope of works for any site investigations shall be approved in writing by the Local Planning Authority prior to their commencement.

Where land affected by contamination is found which poses unacceptable risks to human health, controlled waters or the wider environment, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred options, the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan.

Should a contaminated land remediation scheme be required in accordance with the above, the approved strategy shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development being brought into use.

In the event that contamination is found at any time when carrying out the development hereby permitted, that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to the Local Planning Authority for approval. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval. Any remediation and verification required shall be implemented prior to the development being brought into use.

REASON: To prevent harmful impacts upon human health as a product of contamination resulting from historic land uses a full study needs to be completed before work starts on site. This is in accordance with the provisions of the National Planning Policy Framework.

NPPF decision notice requirements

National Planning Policy Framework Statement:

In accordance with paragraph 187 of the National Planning Policy Framework we have worked with the applicant in a positive and proactive manner and sought solutions to problems arising in relation to dealing with this application.

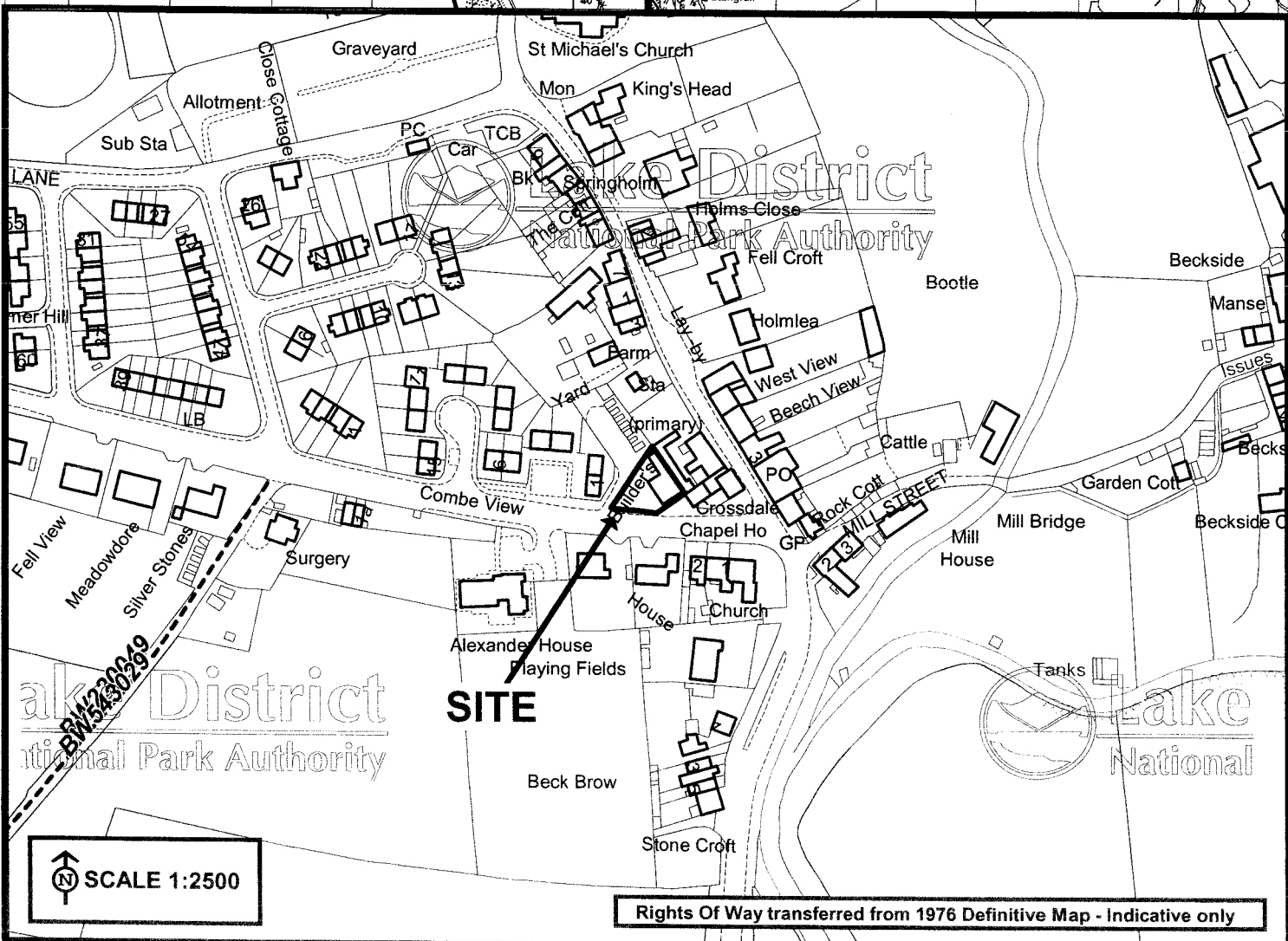
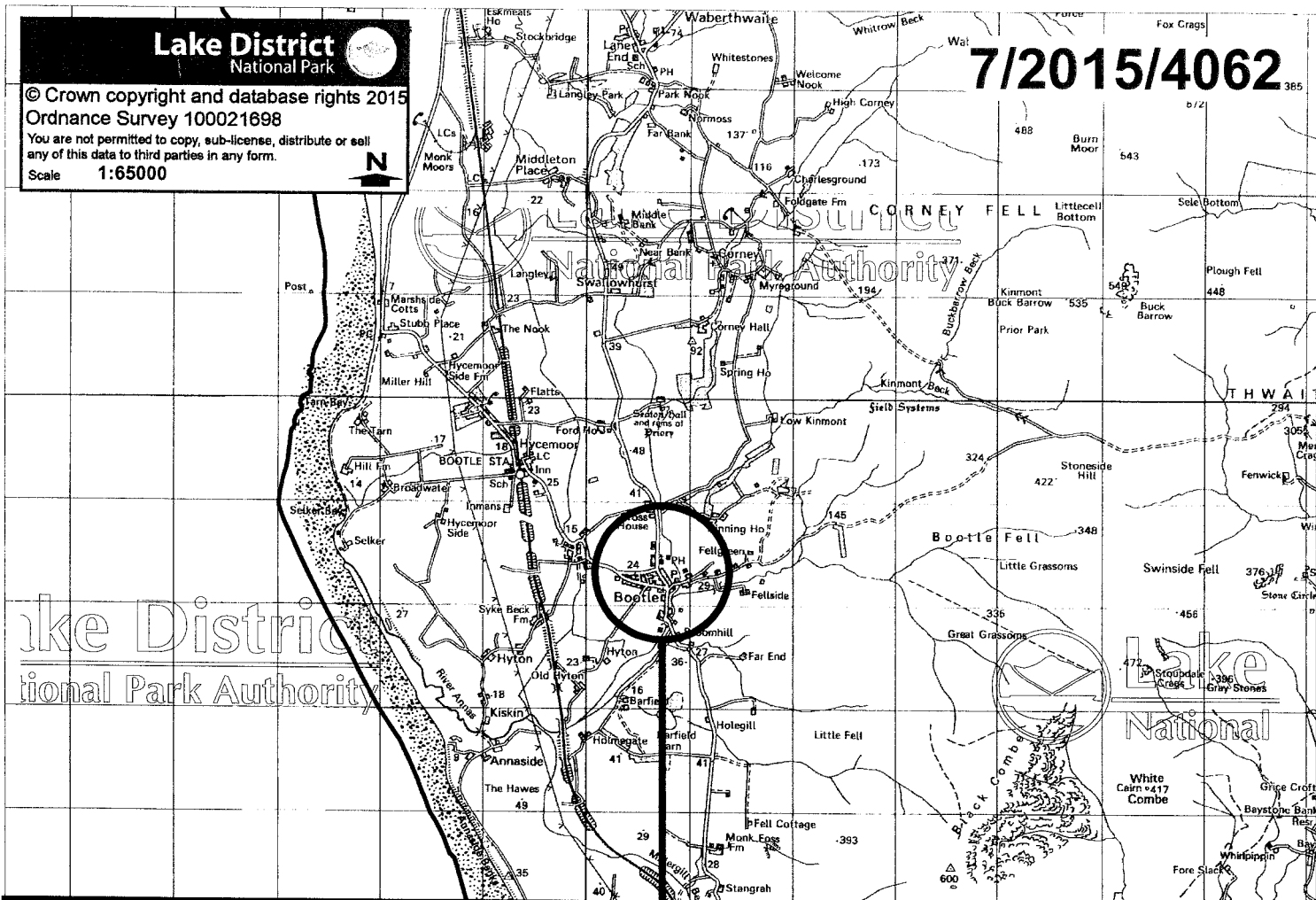
BACKGROUND PAPERS:

Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.

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7/2015/4062



SITE

Rights Of Way transferred from 1976 Definitive Map - Indicative only

Application no: 7/2015/4109
Applicant: Mr Hugh Branney
Date of Application: 30 October 2015
Type of Application: Full

Location: Croasdale Farm, Ennerdale, Cleator, CA23 3AT
Grid Reference: 309396 517551 See Plan
Proposal: Installation of bio-boiler and 2m high external flue.

District Council:
Parish Council: No objection
Highway Authority:

RECOMMENDATION:	<i>APPROVE with conditions</i>
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REPORT:

1 BACKGROUND AND PROPOSAL

- 1.1 I am reporting this application to Committee because the applicant is a member of the Authority.
- 1.2 The site is a detached traditional stone barn with a slate roof, opposite a farm house in the hamlet of Croasdale.
- 1.3 Permission is sought for the installation of a biomass boiler and an external flue. The flue is proposed to be located on the south east roof slope of the barn. It would be 2m in height and dark in colour.

2 CONSULTATION RESPONSES

- 2.1 Ennerdale and Kinniside Parish Council have no objections.
- 2.2 No further consultation responses have been received at the time of writing.

3 REPRESENTATIONS

- 3.1 No representations have been received at the time of writing.

4 COMMUNITY PLANS

- 4.1 I do not consider that there are any actions relevant to this application within the Ennerdale and Kinniside Parish Plan 2005.

5 POLICY

- 5.1 The relevant Lake District National Park Local Development Framework (Local Plan Part 1) Policies are:

- CS02 (Achieving vibrant and sustainable settlements)
- CS10 (Achieving design excellence)
- CS11 (Sustainable development principles)
- CS16 (Low carbon and renewable energy)
- CS26 (Biodiversity and geodiversity)

5.2 The provisions of the National Planning Policy Framework (NPPF) are a material consideration in the determination of the application.

6 ASSESSMENT

Is the principle of the development acceptable?

6.1 The principle of low carbon energy development is strongly supported by local plan policies (CS16) and the NPPF. As such the principle of development is considered to be fully acceptable.

Is the proposal acceptable in respect of design and appearance?

6.2 Whilst the proposed flue is to be reasonable large, I do not consider that it would be a harmful addition to the building, given its finish which is to be dark metal. However, I do consider it reasonable to impose a condition requiring the flue to be matt black.

Would the development result in harm to ecological interests?

6.3 The applicant commissioned a bat survey which was submitted with the application. The survey states that bats have been using the building and that it would appear that it is used as a summer roost. The area for the proposed flue is not close to the known access points in the eaves and should have no adverse effect, subject to the proposed mitigation. As such the development is considered of low risk in respect of protected species, satisfying the requirements of the NPPF and Local Plan Policy CS26.

7. CONCLUSION

7.1 Having regard to the provisions of the Development Plan, in particular Lake District National Park Core Strategy (Local Plan Part One) Policies CS10, and CS16, and other material considerations (including the provisions of the NPPF), the development is considered to be acceptable, subject to the conditions recommended.

Committee is recommended to:

APPROVE with conditions

1 The development hereby permitted shall be commenced before the expiration of THREE years from the date hereof.

REASON: Imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990.

- 2 The development hereby permitted shall not be carried out otherwise than in conformity with the submitted plans and details received by the Local Planning Authority on 30 October 2015.

REASON: For the avoidance of doubt.

- 3 The flue hereby permitted shall be painted matt black. Such painting shall be undertaken no later than three months from the substantial completion of the works.

REASON: To ensure a satisfactory standard of appearance of the development in accordance with Lake District National Park Core Strategy (Local Plan Part One) Policy CS02 and Lake District National Park Local Plan 1998 Saved Policy BE1.

- 4 Unless otherwise agreed in writing by the Local Planning Authority, the development shall take place in full accordance with the bat mitigation detailed in the bat survey report by R.Spence submitted to the Local Planning Authority on 9 November 2015.

REASON: To ensure that compensation and mitigation actions are taken to minimise the impact of the development on protected species or their roosts in accordance with Lake District National Park Core Strategy (Local Plan Part One) Policy CS26 (Geodiversity and Biodiversity).

INFORMATIVE:

Bats and their roosts are protected under the Wildlife and Countryside Act 1981 (as amended), and the Conservation (Natural Habitats &c.) Regulations 1994 (as amended). It is an offence to deliberately capture, kill or disturb bats or to recklessly damage or destroy their breeding sites or resting places. The applicant/developer should remind the building contractors to be vigilant for bats during the building work. If at any time bats are found or suspected then, as a legal requirement, work must cease in that area and further advice must be sought from Natural England. Natural England's telephone number is 01539 792800 or, in an emergency outside office hours, the bat help line is 017687 76911.

NPPF decision notice requirements

National Planning Policy Framework Statement:

In accordance with paragraph 187 of the National Planning Policy Framework we have worked with the applicant in a positive and proactive manner and sought solutions to problems arising in relation to dealing with this application.

BACKGROUND PAPERS:

Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.

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7/2015/4109

